

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

AUGUSTINA C. AMALU, Individually
and as Next of Kin and Administrator of
the Estate of Ifeyinwa Stephanie Amalu,
Deceased,

Plaintiff,

v.

No. 15-1116
Lead Case

LSH TRANSPORT, LLC, *et al.*,

Defendants,

ODY UDEOZO and JOSEPHINE UDEOZO,
Individually and as Next of Kin and
Administrators of the Estate of Chinelo
Udeozo, Deceased,

Plaintiffs,

v.

No. 15-1117
Member Case

LSH TRANSPORT, LLC, *et al.*,

Defendants,

JAMES HARTMANN and
GLENDY HARTMANN,

Plaintiffs,

v.

No. 15-1175
Member Case

LSH TRANSPORT, LLC, *et al.*,

Defendants,

AUGUSTINA C. AMALU, Individually
and as Next of Kin and Administrator of
the Estate of Ifeyinwa Stephanie Amalu,
Deceased, and
ODY UDEOZO and JOSEPHINE UDEOZO,
Individually and as Next of Kin and
Administrators of the Estate of Chinelo
Udeozo, Deceased,

Plaintiffs,

v.

No. 15-1298
Member Case

STEVENS TRANSPORT, INC.,

Defendant,

AUGUSTINA C. AMALU, Individually
and as Next of Kin and Administrator of
the Estate of Ifeyinwa Stephanie Amalu,
Deceased, and
ODY UDEOZO and JOSEPHINE UDEOZO,
Individually and as Next of Kin and
Administrators of the Estate of Chinelo
Udeozo, Deceased,

Plaintiffs,

v.

No. 16-1116
Related Case

STEVENS TRANSPORT T.L., INC.,

Defendant.

**ORDER DENYING AS MOOT DEFENDANT STEVENS TRANSPORT, INC.'S MOTION
TO DISMISS THIRD AMENDED COMPLAINT OF PLAINTIFFS JAMES HARTMANN
AND GLENDA HARTMANN**

Pending before the Court is the May 27, 2016, motion of Defendant Stevens Transport,

Inc. (“Stevens”) to dismiss the third amended complaint of Plaintiffs James Hartmann and Glenda Hartmann. (Case No. 15-1116, D.E. 166; Case No. 15-1117, D.E. 158; Case No. 15-1175, D.E. 91; Case No. 15-1298, D.E. 56; Case No. 16-1116, D.E. 7.) Subsequently, on June 27, 2016, the Hartmanns filed their fourth amended complaint. (Case No. 15-1116, D.E. 180.) When a plaintiff files an amended complaint, the new pleading supercedes all previous complaints and controls the case going forward. *See Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306-07 (6th Cir. 2000). Accordingly, Stevens’ motion to dismiss the superceded third amended complaint is DENIED as moot. *See Beijing Fito Med. Co., Ltd. v. Wright Med. Tech., Inc.*, No. 2:15-cv-02258-JPM-tmp, 2016 WL 502109, at *1 (W.D. Tenn. Feb. 8, 2016) (where amended complaint had been filed, motion to dismiss original complaint rendered moot); *Ky. Press Ass’n, Inc. v. Ky.*, 355 F. Supp. 2d 853, 857 (E.D. Ky. 2005) (same).

IT IS SO ORDERED this 2d day of August 2016.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE